S.B.CR. MISC. BAIL APPLICATION NO.5176/2007

(Prakash & Anr. Vs. State of Rajasthan)

Date of Order :: October 22, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.P.S.Chundawat, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State.

Learned counsel for the petitioners submits that after investigation, the police did not find case, however, on protest petition, the trial Magistrate took the cognizance of the offences punishable under sections 376 and 342/34 I.P.C. In this view of the matter, the bail application under section 438 Cr.P.C. is not maintainable. It is always open for the petitioners to challenge the order taking cognizance.

The bail application filed by the petitioners under section 438 Cr.P.C. is dismissed.

[H.R.PANWAR],J.

m.asif/-